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December 12, 2024

The Honorable Maryellen Noreika
United States District Court
for the District of Delaware
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801-3555

VIA ELECTRONIC FILING

Re: *Arm Ltd. v. Qualcomm Inc., et al.*; C.A. No. 22-1146 (MN)

Dear Judge Noreika:

I write on behalf of the parties regarding the Court's proposed voir dire (D.I. 550) and proposed preliminary jury instructions (D.I. 551).

With respect to the proposed voir dire, the parties had one additional attorney to list on page 3. A redline of the proposed edit is attached as Exhibit 1.

With respect to the highlighted language on page 4 of the proposed preliminary jury instructions: Defendants' position is that the highlighted language should remain, including because (1) they have an independent right to a jury trial on their counterclaim for declaratory judgment, and (2) their counterclaim and defenses based on Arm's unreasonable withholding of consent to assign the Nuvia ALA to Qualcomm are responsive to Arm's claim for breach of contract. (*See* D.I. 529, Nov. 22, 2024 Ltr. from J. Blumenfeld at p. 1-2.) Plaintiff's position is that the highlighted language is unnecessary because Defendants' requested declaration is a remedies question for the Court even though the fact predicates for Defendants' declaratory judgment counterclaims go to the jury. (*See* D.I. 531, Nov. 25, 2024 Ltr. from A. Gaza at p. 2.) Plaintiff does not object to including the highlighted language in the preliminary instructions but respectfully requests to address the matter at the charge conference with respect to the final jury instructions.

The parties also have one additional edit to the proposed preliminary jury instructions on page 4 that is reflected in the attached redline (Ex. 2).

The parties respectfully request that the Court adopt the proposed revisions to the voir dire and preliminary instructions.

The Honorable Maryellen Noreika

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Counsel is available should the Court have any questions.

Respectfully,

/s/ Jennifer Ying

Jennifer Ying (#5550)

JY/rah

Attachments

cc: Clerk of the Court (via hand delivery)
All Counsel of Record (via electronic mail)